

MINUTES

**REAL ESTATE APPRAISER LICENSURE
AND CERTIFICATION BOARD**

**Thursday, April 17, 2008
8:30 a.m.**

**Indiana Government Center-South
402 West Washington Street Room W064
Indianapolis, Indiana 46204**

Mr. Traynor called the meeting to order at 9:33 a.m. in Room W064 of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum, in accordance with IC § 25-34.1-8-4.

Members Present:

Joe Traynor, Chairman
Wayne Johnson, Vice Chairman
Terry Watson, Appraiser Member
John Newlin, Appraiser Member
Liz Stoll, Lender Member

Members Absent:

James Lewis, Consumer Member
Lowell K. Griffin, Appraiser Member

State Officials Present:

Nicholas Rhoad, Director Indiana Real Estate Commission
Pat Price, Assistant Board Director, Indiana Professional Licensing Agency
Davis Moore, Litigation Specialist
Jim Schmidt, Deputy Attorney General

I. ADOPTION OF MINUTES FROM March 13, 2008

A motion was made and seconded to approve the minutes from March 13, 2008
Watson / Johnson
Motion Carried
5-0-0

Comment [NR1]: PG 1

II. CHAIRMAN'S REPORT

Mr. Traynor explained that he was working with the Attorney General's office to develop a training course for review appraisers. Mr. Traynor again expressed his concern with review appraisers and the reviews used in litigation.

III. REPORT FROM THE INDIANA ATTORNEY GENERAL'S OFFICE

The Attorney General's office provided a report on the number of complaints filed and closed.

IV. OLD/NEW BUSINESS

A. AQB Guide Note Changes to USPAP CE Schedule

The Board discussed AQB Guide Note Changes to USPAP CE Schedule and was recently informed that this guide note will probably be withdrawn.

Comment [NR2]:

Comment [NR3]:

B. Proposed Changes to ASC Policy Statement #10G

The Board discussed the propose changes to ASC Policy Statement #10G

Comment [NR4]: PG 16

Comment [NR5]: PG 16

C. Cuomo / Fannie Mae; Freddie Mac agreement and response from Alabama Appraiser Board

The Board discussed the Cuomo agreement and expressed some initial concerns if there are enforcement implications and how it would relate to the current statues in Indiana. As of now t he Board is aware that there are too many unanswered questions regarding the impact on the Board's operation. Ms. Stoll and Mr. Newlin both volunteered to review the information and work on a tentative draft letter should one need to be sent.

Comment [NR6]: PG 19

D. Inter-agency taskforce on mortgage fraud (No documents)

A motion was made and seconded to nominate Mr. Traynor as the representative to the Inter-agency taskforce on mortgage fraud

Johnson ./ Stoll
Motion Carried
5-0-0

E. Rules Update

Mr. Rhoad provided an update on the status of the open rules

F. AARO Update

Mr. Traynor and Mr. Rhoad provided an update on the recent AARO meeting

G. ASC

Mr. Traynor and Mr. Rhoad provided an update on the recent meeting with the ASC

H. ASC Organization and General Update

Mr. Rhoad provided an update on the current status of the ASC's direction

I. Trainee Exam – Joe and Nick

Mr. Traynor and Mr. Rhoad

J. Continuing Education for Meeting Attendance and Board member attendance

The Board determined that a licensee can obtain continuing education credit for attending a Board meeting as long as they attend at least two hours and cannot receive more than seven hours for attending one meeting.

K. Reciprocal Agreements

Mr. Rhoad provided an update on the process of entering into reciprocal agreements with other states.

L. Indiana License Law

The Board discussed repealing the license law as part of the continuing education requirements to renew a license.

V. STATUS OF LICENSEES ON PROBATION

A. Report from Staff regarding licensees on probation

The Board was provided a report regarding the current status of licensees on Probation.

VI. DELIBERATIONS AND POSSIBLE ISSUANCES OF FINAL ORDER

Comment [NR7]: The Proposed Findings of Fact, Conclusions of Law and Order listed below are able to be voted on by the Board.

A. State of Indiana v. Thomas Gilbert

REAB 07-58

Re: Proposed Findings of Fact, Conclusions of Law and Order

Comment [NR8]: PG 33

A motion was made and seconded to accept the Proposed Findings of Fact, Conclusions of Law and Order.

Motion Carried

Watson / Newlin

5-0-0

B. State of Indiana v. Stephen C. Phillips

REAB 08-01

Re: Proposed Findings of Fact, Conclusions of Law and Order

Comment [NR9]: PG 61

A motion was made and seconded to accept the Proposed Findings of Fact, Conclusions of Law and Order.

Motion Carried

Newlin / Stoll

4-0-1

C. State of Indiana v. Daniel Beckham

REAB 08-04

Re: Proposed Findings of Fact, Conclusions of Law and Order

Comment [NR10]: PG 80

A motion was made and seconded to accept the Proposed Findings of Fact, Conclusions of Law and Order.

Motion Carried

Johnson / Newlin

4-0-1

D. State of Indiana v. Bryan K. Bernardi

REAB 07-56

Re: Proposed Findings of Fact, Conclusions of Law, and Order

Comment [NR11]: PG 96

A motion was made and seconded to accept the Proposed Findings of Fact, Conclusions of Law and Order.

Motion Carried

Johnson / Newlin
4-0-1

E. State of Indiana v. Kevin M. Handley

REAB 07-66

Re: Proposed Findings of Fact, Conclusions of Law, and Order

Comment [NR12]: PG 112

A motion was made and seconded to accept the Proposed Findings of Fact, Conclusions of Law and Order.

Motion Carried

Johnson / Stoll
4-0-01

F. State of Indiana v. Michael D. Schmidt

REAB 07-32

Re: Proposed Findings of Fact, Conclusions of Law, and Order

Comment [NR13]: PG 146

A motion was made and seconded to accept the Proposed Findings of Fact, Conclusions of Law and Order.

Motion Carried

Johnson / Newlin
4-0-1

G. State of Indiana v. Sharon Williams

REAB 07-72

Re: Proposed Findings of Fact, Conclusions of Law, and Order

Comment [NR14]: PG 163

A motion was made and seconded to accept the Proposed Findings of Fact, Conclusions of Law and Order.

Motion Carried

Johnson / Watson
4-0-1

H. State of Indiana v. Phillip Anderson

REAB 07-57

Re: Proposed Findings of Fact, Conclusions of Law, and Order

Comment [NR15]: PG 187

A motion was made and seconded to accept the Proposed Findings of Fact, Conclusions of Law and Order.

Motion Carried

Johnson / Newlin

5-0-0

I. State of Indiana v. Ronald Sipe

REAB 07-74

Re: Proposed Findings of Fact, Conclusions of Law, and Order

Comment [NR16]: PG 216

A motion was made and seconded to accept the Proposed Findings of Fact, Conclusions of Law and Order.

Motion Carried

Watson / Newlin

4-0-1

J. State of Indiana v. Gregory P. Lindsay

REAB 07-84

Re: Proposed Findings of Fact, Conclusions of Law, and Order

Comment [NR17]: PG 231

A motion was made and seconded to accept the Proposed Findings of Fact, Conclusions of Law and Order.

Motion Carried

Newlin / Watson

4-0-1

VII. DEFAULT HEARINGS (All Default Hearings Begin at 10:30)

A. State of Indiana v. Larry Burks

REAB 07-55

Re: Request Board not Enter a Notice of Proposed Default
AND

Re: Possible Issuance of Default and Final Orders

A motion was made and seconded to accept the Request Board not Enter a Notice of Proposed Default.

Newlin / Watson

5-0-0

Comment [NR18]: PG 242

B. State of Indiana v. Michael Thomas Asher

REAB 08-06

Re: Possible Issuance of Default and Final Orders

A motion was made and seconded to find the respondent in Default.

Newlin / watson

Comment [NR19]: PG 255.
A Notice of Proposed Default was received by Respondent on 4/1/08. Expect a Default Hearing.

C. State of Indiana v. Michael Hughes*

REAB 08-08

Re: Request Board not Enter a Notice of Proposed Default
AND

Re: Possible Issuance of Default and Final Orders

A motion was made and seconded to accept the Request Board not Enter a Notice of Proposed Default.

Newlin / Watson

5-0-0

Comment [NR20]: PG 268

VIII. DISCIPLINARY HEARINGS (All hearings begin at 1:00)

A. State of Indiana v. Michael Nikirk

REAB 07-70

Re: Disciplinary Hearing

A motion was made and seconded to place the licensee on Probation

Johnson / Stoll

Motion Carried

4-0-1

Comment [NR21]: PG 280. Expect a full hearing in this matter.

B. State of Indiana v. Rodney Williams

REAB 07-89

RE: Disciplinary Hearing

A motion was made and seconded to revoke the license of Mr. Williams

Stoll / Newlin

Motion Carried

5-0-0

Comment [NR22]: PG 287.
Expect a full hearing in this matter.

C. State of Indiana v. Brian Waters*

REAB 08-13

Re: Disciplinary Hearing

No hearing was held in this matter due to a pending settlement.

Comment [NR23]: PG 310. I do not expect a hearing to take place in this matter.

D. State of Indiana v. Hal Higgins*

REAB 08-14

Re: Disciplinary Hearing

No hearing was held in this matter due to a pending settlement.

Comment [NR24]: PG 329. I do not expect a hearing to take place in this matter.

IX. COSTS

A. State of Indiana v. Douglas W. Meyer

REAB 06-144

Re: Approval of costs

A motion was made and seconded to approve the costs in the State of Indiana v. Douglas W. Meyer.

Motion Carried

Newlin / Stoll

5-0-0

X. APPLICATION REVIEW

A motion was made and seconded to approve the applications listed below.

Newlin / Stoll

Motion Carried

5-0-0

A. Certified Residential

1.

B. Certified General

1. Gerald Rasmussen

C. Temporary Permits

1. See attached sheets

D. Education Review

1. NAIFA

- a. 13.0B Indiana Law 4.0 hours
- b. 16.2 The Appraisal of Foreclosure Properties 7.0 hours
- c. Easements, Profits and Licenses in Land 7.0 hours

XI. Adjournment

A motion was made and seconded to adjourn the meeting at 6:15 p.m.

Joseph A. Traynor, Chairman

Date